

**Arundel Planning Board  
Minutes  
April 10, 2014 at 7:00 pm  
Mildred L. Day School Library**

**Board:** James Lowery, Tom McGinn, Bob Coon, Marty Cain, Roger Morin, Rich Ganong, John Der Kinderen, Tad Redway, Planner, Ann Tardif, Board Secretary

**Public:** Jared Jacobs, John Furmella, Kevin O'Leary, K. Kroustallis, P.J. Sfreddo, Dan Dubois, Paul Gadbois, Paul Lariviere, Lucas Pastry, Alison Leary, Kevin Lord

**Call to Order:** Chairman Morin called the meeting to order at 7:02 pm. Attendance was taken and the agenda was reviewed.

**I. Approval of Minutes:** *SW January 25, 2014, SW March 27, 2014, March 27, 2014, April 3, 2014*

Site Walk January 25, 2014: *Coon moved to approve as written, McGinn seconded the motion and it passed with all in favor and two abstentions (Der Kinderen and Cain).*

Site Walk March 27, 2014 for Lord Boys, LLC: *Coon moved to approve as written, Ganong seconded the motion and it passed with all in favor and two abstentions (Der Kinderen and McGinn).*

Site Walk March 27, 2014 for Southern Maine Marine: *Coon moved to approve as written, Ganong seconded the motion and it passed with all in favor and two abstentions (Der Kinderen and McGinn).*

March 27, 2014: *McGinn moved to approve as written, Coon seconded the motion and it passed with all in favor.*

April 3, 2014: *Lowery moved to approve as written. McGinn seconded the motion and it passed with all in favor and two abstentions (Coon and Ganong).*

**II. Public Comment:** *Non agenda items*

There were no comments from the audience

**III. Public Hearing**

**Item 1: 1362 Portland Road Commercial Building: Conditional Use Application-** Proposed construction of a 5,520 sf building with a future 1,296 sf expansion containing low impact manufacturing, warehousing, and retail uses on a 1.96 acre parcel located at 1362 Portland Road, Tax Map 34, Lot 4A in the CCS District, Lord Boys, LLC is the owner/applicant and Steve Doe of Sebago Technics, Inc. is the applicant's agent.

Chairman Morin opened the public hearing at 7:07 pm. There were no comments from the audience. Chairman Morin closed the public hearing at 7:09 pm.

**Item 2: Southern Maine Marine: Plenary Site Plan Review:** Proposal to remove an existing 1,125 sf building and box trailers, construct a 6,000 square foot retail building, a 11,800 square foot storage building, and a 23,500 sf gravel boat storage yard on a 2.9 acre parcel containing an existing marine sales, service and storage facility located at 2461 Portland Road, Tax Map 12, Lot 4-2 in the BI district. PBL Holdings, LLC is the owner and Paul Gadbois, PE is the applicant's agent.

Chairman Morin opened the public hearing at 7:09 pm. There were no comments from the audience. Chairman Morin closed the public hearing at 7:10 pm.

**IV. Pending Applications**

**Item 1: 1362 Portland Road Commercial Building: Conditional Use Application-** Proposed construction of a 5,520 sf building with a future 1,296 sf expansion containing low impact manufacturing, warehousing, and retail uses on a 1.96 acre parcel located

at 1362 Portland Road, Tax Map 34, Lot 4A in the CCS District, Lord Boys, LLC is the owner/applicant and Steve Doe of Sebago Technics, Inc. is the applicant's agent.

Kevin Lord of Lord Boys, LLC is present this evening.

The Planner gave the board a brief overview of the plan. The applicant has submitted cost estimates to the Planner in the amount of \$79,000.

James Lowery noted that the wetlands delineation submitted with the application is from 2009. He inquired if the applicant's wetland scientist had updated the information this spring. Lord indicated that Jim Logan did go out earlier this spring. Lowery noted that the wetlands delineation is only valid for five years so he would like to see documentation from Jim Logan stating that there were no significant changes from the 2009 study.

*Lowery moved to request a letter from the wetlands scientist documenting that the wetland delineation from 2009 is substantially consistent with what he found this spring. Ganong seconded the motion. Discussion: The Board determined that the applicant may submit the information requested to the Planner for review. If there are any major issues the Planner will bring the information back to the Board. The motion passed with all in favor and one (Cain) opposed.*

The Chairman read the Findings of Fact and Motion for Approval into the Record as follows:

#### **FINDINGS OF FACT AND MOTION FOR APPROVAL**

#### **Conditional Use Permit for Granite Countertop Fabrication Facility & Retail**

#### **1362 Portland Road**

**WHEREAS** on February 27, 2014 the Arundel Planning Board received a Conditional Use application from Lord Boys LLC to construct a 5,520 square foot building for a low impact manufacturing and warehousing facility with a future 1,296 square foot retail use expansion on a 1.96 acre parcel located at 1362 Portland Road, Tax Map 34, Lot 4A in the CCS District

**WHEREAS**, on March 27, 2014 the Arundel Planning Board conducted an advertised Public Site Walk on the premises.

**WHEREAS**, on April 10, 2014, the Arundel Planning Board conducted a public hearing on the proposed project;

**WHEREAS**, the Arundel Planning Board has arrived at the following findings of fact:

#### **FINDINGS OF FACT**

1. The applicant and owner of the property is Lord Boys LLC
2. The property is located at 1362 Portland Road, Tax Map 34, Lot 4A in the CCS District
3. The property is an undeveloped parcel of land with approximately 0.8 acres of identified wetlands on the southern portion of the lot plus a vernal pool and upland areas primarily covered by a mixed hemlock-balsam forest cover. The wetland is part of a larger palustrian complex that drains via a regulated stream to the northwest and west into the Kennebunk River.
4. The applicant proposes to construct a 5,520 square foot steel building with a 920 square foot mezzanine for the purpose of operating granite countertop fabrication facility and warehouse storage operation. The applicant is also requesting permits for the future construction of 1,225 square foot retail use expansion on the east side or front of the proposed building.
5. The applicant is proposing to access Route 1 by a single driveway entrance meeting Rte 1 design standards that enjoys a 500 foot sight distance to the north and a 600 ft + sight distance to the south in conformance with the minimum distances for a 50 mph road as specified in section 7.7.A of the Land Use Ordinance. The applicant also has also received a MDOT Driveway Entrance Permit for the property dated August 14, 2007.

6. The applicant will be installing paved parking with 13 spaces provided for the proposed low impact manufacturing and warehouse uses and another 5 spaces provided in the front for the future retail expansion. In addition there is considerable paved area to facilitate the unloading of a semi-trailer truck. Total impervious parking area is 25,930 square feet. With the proposed 5,520 square feet of the proposed facility and the 1,225 sf retail expansion the total impervious acreage on the site is 34,478 sf or 40%, considerably less than the 70% permitted in the CCS.
7. The granite countertop fabrication operation qualifies as a permitted low impact manufacturing use and the future retail use and the ancillary warehousing use qualifies as a conditional use in the CCS district.
8. The applicant proposes an outdoor 2,500 sf outdoor storage facility that is to the rear of the facility, fenced in and buffered from the adjacent properties.
9. Water service will be provided by the Kennebunk Kennebunkport Wells Water District from the Route 1 mains, and on-site septic will be provided by an on-site septic system.
10. Solid waste will be stored in a dumpster enclosed in a 10 foot by 10 foot enclosure and all solid waste will be removed by a private contractor.
11. Dust and tailings from the cutting of granite material will be contained in an internal recycling waste water system within the building and no dust or grey water will be discharged into the outside atmosphere, onto the ground, or into the septic system.
12. The applicant has received a determination from the Maine DEP dated February 11, 2009 that the vernal pool identified by the Wetlands delineator, James Logan, that the vernal pool # 283 located in the southeastern corner of the property is not a significant vernal pool and therefore requires no special setbacks or protection provisions. Wetlands that will be impacted amount to approximately 3,521 square feet and therefore do not require a Wetlands Alteration Permit. The ACOE wetlands delineation is greater than five years old therefore the wetlands boundary should be field verified prior to construction in accordance with note #10 on sheets 2 & 3 of the plan set.
13. The applicant has designed an on-site detention system to insure that runoff from the improved site will not exceed pre-development conditions. The plan will not generate any increased net peak runoff from the site.
14. Site lighting will be provided by shielded wall packs on the building and the photometric extent depicted on Sheet 5 of the Plan set indicates that not more than .05 lumens will fall onto adjacent properties.
15. The Planning Board has determined that existing vegetation with limits of cutting as depicted on Sheet 3 of the plan set will be sufficient to meet all landscaping and parking lot buffering standards of the CCS district.
16. Record plans submitted as part of the Conditional Use application include a seven sheet plan set prepared by Sebago Technics, Inc and dated 1-27-14 with revisions to 4-9-14. All plans in the set are made part of this motion of approval.
17. The applicant has submitted construction cost estimates for all site work in the amount of \$79,200.

#### **CONFORMANCE WITH CONDITIONAL USE CRITERIA**

After due review and consideration the Arundel Planning Board has determined the application to be in conformance with the criteria of Section 9.7.H of the Arundel Land Use Ordinance as follows:

- 9.7.H.1 That the use is compatible with and similar to the general categories of uses of neighboring properties.  
*The uses and the sizes of the structures are similar in scale and scope to surrounding properties and other land uses in the CCS district.*  
***Der Kinderen moved to approve 9.7.H.1, second by Ganong, Vote: all in favor.***
- 9.7.H.2 The use is consistent with the Comprehensive Plan and the anticipated future development of the neighborhood in that  
*The Comprehensive Plan permits such uses for the CCS district as conditional uses and therefore the proposed use is in conformance with the 2005 Comprehensive Plan.*  
***Ganong moved to approve 9.7.H.2, second by Der Kinderen, Vote: all in favor.***
- 9.7.H.3 That there is adequate and safe pedestrian and vehicular access to and into the site to accommodate anticipated traffic to and from the use.

The proposed use will not generate significant trip generation, the applicant's driveway sight distances exceed the minimum standards of Section 7.7.A., and the applicant has received a MDOT driveway opening permit for the proposed activity.

***Der Kinderen moved to approve 9.7.H.3, second by Ganong, Vote: all in favor.***

9.7.H.4 That there is adequate water supply and sewage disposal available to service the use.

*Existing onsite septic will be provided on site and water is provided to the site by Kennebunk Kennebunkport, Wells Water District. The proposed use will not increase the demands for water or septic flow on the property. Grey water from manufacturing operations will be recycled internally within the facility.*

***McGinn moved to approve 9.7.H.4, second by Ganong, Vote: all in favor.***

9.7.H.5 That there will be no noise, dust, odor, vibration or smoke generated by the use that will adversely affect neighboring properties in that -

*Noise: The nature of the business does not generate any undue noise.*

*Dust: Dust from stone cutting shall be captured by the water cooling system and the proposed enclosed recycling system..*

*Odor: This use will not generate any odor issues.*

*Vibration/Smoke: No vibration or smoke issues are generated on-site.*

*Glare: The applicant is installing additional low-wattage Wallpack or equal lights with full cut-off shields that will not generate any dangerous glare for passing motorists or a nuisance to adjacent properties.*

***Lowery moved to approve 9.7.H.5, second by Cain, Vote: all in favor.***

9.7.H.6 That the physical characteristics of the site including location, slope, soils, drainage and vegetative cover are suitable for the proposed use.

*The applicant proposes significant grading to the site but proposes to leave existing wetland recourse including a small vernal pool intact. Tree cover will be retained on the perimeter of the site. The installation of a detention facility will result in no increase in the downstream peak runoff generated by the site improvements during a 25-year storm event.*

***Ganong moved to approve 9.7.H.6, second by McGinn, Vote: all in favor.***

9.7.H.7 That the use will not constitute a public or private nuisance.

*No nuisances will be generated by the proposed use.*

***Ganong moved to approve 9.7.H.7, second by Lowery, Vote: all in favor.***

9.7.H.8 That all other requirements and applicable provisions of this ordinance, particularly any pertinent performance standards, are met.

***Ganong moved to approve 9.7.H.8, second by Lowery, Vote: all in favor.***

*The applicant has met all pertinent portions of the Arundel Land Use Ordinance in the design of the proposed activities.*

**THEREFORE BE IT RESOLVED** that based on the above findings and conclusions the Arundel Planning Board hereby approves the Conditional Use application of Lord Boys LLC to construct a 5,520 square foot building for a low impact manufacturing and warehousing facility with a future 1,225 square foot retail use expansion on a 1.96 acre parcel located at 1362 Portland Road, Tax Map 34, Lot 4A in the CCS District, subject to the following conditions:

1. The applicant shall submit to the Town Planner a performance surety in the amount of \$79,200 plus a 5% contingency to insure the completion of all approved improvements.

2. No disturbance of soil on the site shall occur until all soil and erosion control measures specified in Sheet 6 of the approved plan set are installed.
3. No Certificate of Occupancy shall be issued for the approved storage buildings until a sealed letter is presented to the Code Enforcement Officer and Town Planner by Sebago Technics, Inc certifying that all improvements have been installed in accordance with the approved plans.
4. All site improvements approved in this Planning Board action shall be substantially completed within two years of this approval date, otherwise this approval shall be deemed null and void.
5. Any change from the approved plans shall require submittal of revised plans to the Town.
6. Verification of the wetlands boundaries on the site shall be performed by the record wetlands scientist prior to construction and a report of findings delivered for approval by the Town Planner.

SO APPROVED by the Arundel Planning Board this 10<sup>th</sup> day of April 2014:

*Ganong moved to approve the conditional use permit for Lord Boys, LLC. Der Kinderen seconded the motion and it passed with all in favor.*

**Item 2: Southern Maine Marine: Plenary Site Plan Review:** Proposal to remove an existing 1,125 sf building and box trailers, construct a 6,000 square foot retail building, a 11,800 square foot storage building, and a 23,500 sf gravel boat storage yard on a 2.9 acre parcel containing an existing marine sales, service and storage facility located at 2461 Portland Road, Tax Map 12, Lot 4-2 in the BI district. PBL Holdings, LLC is the owner and Paul Gadbois, PE is the applicant's agent.

Cost estimates are being developed and will be submitted to the Planner very soon.

There are some minor revisions to be done to the plan and they will be submitted along with the cost estimates.

The location of the propane tank on the site, which is used for heating was discussed as it was not shown on the plan. The applicant indicated he is going to move the tank to the rear of the building and also another tank will be added for the new office building when it is constructed. The applicant should show the location of all fuel tanks on the plan.

The Planner asked the applicant to amend the plan to show where the tree line will be once the full build out is completed in order to clearly show adequate site distance.

The applicant will make the necessary changes to the plan and once that is complete they will be placed on the next available agenda.

**Item 3: AIM USA Conditional Use Application-Determination of Completeness:** Proposed application to renew expired permit to continue operation of an existing 43,000 +/- sf solid waste recycling facility on a 22.9 acre site located at 2244 Portland Road, Tax Map 12, Lot 9 in the BI District. AIM USA is the owner/applicant and Jared Jacobs is the applicant's agent.

Present this evening representing AIM USA are Jared Jacobs, Kevin O'Leary, and John Furmella.

The Planner gave an overview of the project and an update as to the status since the applicant last appeared before the Board. The applicant has submitted a survey plan of the entire parcel.

They are proposing site improvements that include a new weigh scale as well as a RadCom detector which detects radiation.

A landscape buffer strip will be added in the front of the property as required by the land use ordinance.

There were no further concerns or comments from the Board.

***Ganong moved to deem the application complete and schedule a public hearing for April 24, 2014. Coon seconded the motion and it passed with all in favor.***

**Item 4: Kate's Butter Cow Barn: Conditional Use Application:** Proposal to construct a 6,476 square foot dairy barn on the site of the *Kate's Homemade Butter Agricultural Demonstration Facility* on a 37.82 acre parcel located at 852 Alfred Road Tax Map 5, Lot 9A in the R4 district. Daniel and Karen Patry are the owners and Lucas Patry and Alison Leary are the applicants.

Lucas Patry and Alison Leary are present this evening.

The Planner informed the applicant that he needs to receive a full scale plan set from them.

The Board discussed the site walk that was held this evening. There were no major areas of concern.

The applicant states that they did speak with the Fire Chief regarding a fire suppression plan for this project. The Chief met with the Planner and indicated that he is confident that any fire associated with the cow barn could be handled sufficiently. The Planner noted that the best point of access for the Fire Dept. would be coming into the site off of Drew's Mills Rd and there is also a hydrant on that road as well.

Cain requested and the Board agreed that a letter should be submitted to the Planner from the Fire Chief for inclusion in the record and for future reference.

***Ganong moved to deem the application complete, Cain seconded the motion and it passed with all in favor.***

***Cain moved to hold the public hearing on April 24, 2014. Ganong seconded the motion and it passed with all in favor.***

#### **V: New Applications**

**Item 1: Lovejoy Subdivision: Sketch Plan Application for Major Subdivision:** Proposal to construct a 5-lot cluster subdivision serviced by a 725 foot private way on a 17.97 acre parcel located at 295 Limerick Road Tax Map 28, Lot 6 in the R-1 district. Peter Lovejoy is the owner and applicant and Tooth & Associates is the applicant's agent.

The applicant was not able to attend the meeting this evening. The Planner distributed the sketch plan to the Board for reference.

***Ganong moved to table this application due to the applicant's absence. Lowery seconded the motion and it passed with all in favor and one (Cain) opposed.***

#### **VI: Zoning Ordinance Modifications**

**Item 1: DB-2 District: Discussion with Action:** Finalization of Performance Standards

**Item 2: Conditional Use Standards:** Drive Thru Facilities, Landscaping, Visitor Center/Commercial Parking facility, Low Impact Manufacturing, Pet Day Care Center, Taverns, Fuel Storage, Convention Centers

The Planner informed the Board that he has incorporated the residential component into the DB2 standards based on the decisions made by the Board. He is currently finalizing the performance standards at this time.

The Planner will e-mail them to the Board to review prior to the next meeting.

Tad is also working on developing the conditional use standards as discussed previously. He has completed the standards for Drive thru facilities, congregate care facilities and is working on Visitor Center/Commercial Parking Lot.

The Board discussed the possibility of separating out the Visitors Center/Commercial Parking Lot onto a separate warrant article as some feel this could be a controversial issue and they would not want the entire Townhouse Corner District to fail due to one item.

The Board will review the performance standards and discuss the item further at the next meeting.

## **V. Town Planner's Report**

1. The Planner presented a Selectmen's Ordinance for the Planning Board to review. The Town Manager asked the Planner to show it to the Planning Board to get their comments. The Board discussed the ordinance and had no concerns or issues with the ordinance.

*Morin moved to recommend adoption of the addressing ordinance by the Board of Selectmen. Ganong seconded the motion and it passed with all in favor.*

2. The Comprehensive Plan Review Committee met on Tuesday, April 8, 2014. At that meeting they did a final review of the plan, goals, objectives and policies and made any necessary changes to the document. They have scheduled a public hearing for the proposed Comprehensive Plan for May 13, 2014. The Planner will send Volume I to the Planning Board via email.

3. The Planner distributed a calendar which covers April-June, 2014 and contains pertinent dates for the Board to be aware of in terms of deadlines for the ordinance amendments to be complete prior to public hearing and town meeting.

## **Adjourn**

*Ganong moved to adjourn at 9:30 pm. Der Kinderen seconded the motion and it passed with all in favor.*

Respectfully Submitted,

Ann Tardif  
Planning Board Secretary